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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/689,738	10/13/2000	Anil K. Agarwal	A7451	6027

7590 11/06/2003  
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC  
2100 Pennsylvania Avenue N.W.  
Washington, DC 20037-3213

EXAMINER
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LEE, CHI HO A

ART UNIT	PAPER NUMBER
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2663

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DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/689,738

Applicant(s)

AGARWAL ET AL.

Examiner

Andrew Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-16 is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The request filed on 9/5/03 for a RCE under 37 CFR 1.114 based on parent Application No. 09/689,738 is acceptable and a REC has been established. An action on the CPA follows.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luczycki et al U.S. Patent Number 6,523,069 in view of Donahue et al U.S. Patent Number 6,101,180.

Re Claim 1, '069 Patent teaches fig. 6, a plurality of routers 60A-60N each associated with a requesting terminal 56 (a plurality of terminals); Multicast Source (a route server) in communication with the plurality of local routers 60A-60N to establish a multicast tree (See col. 5, lines 3-50 and also See fig. 7 & 8).

'069 Patent fails to explicitly teach the system comprising "a controller to allocate bursts to terminals based on requests from terminal via router server".

'069 Patent teaches that WAN interconnections 40 (See fig. 3) can be used to connect distribution network facility such as Multicast Source of fig. 6. It is known as skilled that WAN includes satellite connectivity.

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'180 Patent teaches the file server coupled to the Satellite 55 for IP multicasting bursts requested information to plurality of local access points.

One skilled in the art would have been motivated by '180 Patent to modify the WAN connectivity in '069 Patent with Satellite connectivity to improve broadcast range.

Therefore, it would have been obvious to one ordinary skilled to incorporate the teaching of '180 into the teaching of '069 Patent.

Re Claim 2, '180 Patent teaches the Satellite operating in TDMA.

Re Claim 3, refer to Claim 1.

Re Claim 4, '069 in view of '180 fails to explicitly to conferencing function, wherein this function enables one terminal to speech while other within the Multicast group listens. However, Examiner takes official notice that IP multicasting supports conferencing, hence would have been obvious to one skilled to allocate broadcast/multicast bursts from the satellite.

Re Claim 5, refer to Claim 4, '069 in view of '180 fails to explicitly to the known BTP algorithm. However, one skilled in the art would have been motivated to use a known BTP algorithm for allocating burst to reduce cost in network implementation.

Re Claim 6, refer to Claim 1.

Re Claim 7, refer to Claim 1, it is inherent that a maximum capacity is pre\*configured by a network operator because there is a limited number of channels available for allocation.

Re Claim 8, refer to Claim 5.

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Re Claims 9-12, refer to Claim 1, wherein the routing information is included in the Multicasting protocol, i.e., DVMRP, PIM-SM that are known multicast routing protocols.

***Allowable Subject Matter***

4. Claims 14-16 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Prior art fails to teach as recited in Claim 14, responding to a request for multicast services by assigning at least one slot in a TDMA frame to one of a plurality of terminals and updating the routing information in the common router server based on the assignment.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 703-305-1500. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 703-308-5340. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

ANDY LEE  
PATENT EXAMINER

October 31, 2008,

AI